

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOUNDVIEW ELITE LTD., and :
VANQUISH FUND LTD., :
: Plaintiffs, : Civil Action No. 13-6895 (AT)
: :
-against- : DECLARATION OF
: PETER C. HARVEY, ESQ.
GERTI MUHO and LEVERAGED :
HAWK, INC. :
: Defendants. :
: :
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I, PETER C. HARVEY, ESQ., hereby declare under perjury that the following is true and correct:

1. I am a member of the law firm of Patterson Belknap Webb & Tyler LLP ("Patterson Belknap"). I submit this Declaration in support of Plaintiff Soundview Elite Ltd. and Vanquish Fund Ltd.'s ("Plaintiffs") Memorandum of Law in Opposition to Defendants' Motion to Dismiss.

2. Defendant Gerti Muho (Muho) has stated to the United States Department of Education Direct Loans Servicing Center that he resides at 6031 Grove Street in Ridgewood, New York. (A true and correct copy of correspondence transmitted to Gerti Muho by the U.S. Department of Education Direct Loan Servicing Center is attached to this Declaration as

EXHIBIT A.)

3. Defendant Muho maintains a telephone listing located at 6031 Grove Street in Ridgewood, New York. (A true and correct copy of the White Pages telephone listing is attached to this Declaration as **EXHIBIT B.)**

4. Statements issued to Defendant Muho by his credit card company, American Express, reflect purchases made at drug stores near 6031 Grove Street in Ridgewood, New York in 2013. (A true and correct copy of excerpts of Gerti Muho's January, February, April, May, and August 2013 American Express credit card statements reflecting purchases made in Ridgewood, New York are attached to this Declaration as **EXHIBIT C.**)

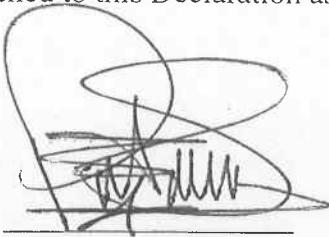
5. During his employment with both Plaintiffs Soundview Elite Ltd. and Vanquish Fund Ltd., Defendant Muho provided his address of 6031 Grove Street in Ridgewood, New York. (A true and correct copy of the September 11, 2012 Consent to Act as Director for Plaintiffs signed by Gerti Muho reflecting his address of 60-31 Grove Street; Ridgewood, NY 11385 is attached to this Declaration as **EXHIBIT D.**)

6. On August 6, 2014, Defendant Muho appeared before United States Bankruptcy Judge Robert E. Gerber in *The Matter of Soundview Elite Ltd.* currently pending before the Bankruptcy Court for the Southern District of New York. During his appearance in court, Muho stated, in response to Judge Gerber's question regarding whether there was dispute that he had taken the \$2 Million, that "[i]t is absolutely not disputed that I transferred two million dollars from Soundview Elite at the time . . . to Leveraged Hawk." (A true and correct copy of the transcript of the proceeding before Judge Gerber is attached to this Declaration as **EXHIBIT E.**)

7. The Civil Cover Sheet and the Summons and Complaint served on Defendants Muho and Leveraged Hawk by Plaintiffs was stamped "Judge Torres" by the Court clerk. (A true and correct copy of The Civil Cover Sheet served on Muho and Leveraged Hawk is attached to this Declaration as **EXHIBIT F.** A true and correct copy of the Complaint served on Muho and Leveraged Hawk is attached to this Declaration as **EXHIBIT G.** A true and correct copy of

the Summons served on Muho and Leveraged Hawk is attached to this Declaration as **EXHIBIT H.**)

Dated: August 20, 2014



PETER C. HARVEY